

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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T.R.A. DOCKET ROOM

IN RE: PETITION FOR EXPEDITED)
REVIEW OF GROWTH CODE DENIAL)
BY THE NUMBER POOLING)
ADMINISTRATOR RELATING TO)
WILLIAMSON MEDICAL CENTER)

DOCKET NO. _____

PETITION OF US LEC FOR EXPEDITED
REVIEW OF CENTRAL OFFICE CODE DENIAL

US LEC of Tennessee, Inc. ("US LEC"), pursuant to rules adopted by the Federal Communications Commission for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Regulatory Authority for an expedited review of NeuStar's denial of US LEC's application for use of central office code numbering resources in the 615 area code.

1. US LEC is a competitive, local exchange carrier providing telecommunications services in Tennessee under the jurisdiction of the Tennessee Regulatory Authority.
2. NeuStar is an independent, non-governmental entity that is responsible for administering and managing numbering resources in pooling areas. See C.F.R. § 52.13(a) and (b).
3. On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200.

(“FCC 00-249” or the “December Order”). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the North American Numbering Plan

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant’s rate center will be exhausted within six months of the application.

6 In addition to the months-to-exhaust (“MTE”) requirement described above, the FCC’s rules also require carriers to meet a rate center utilization threshold of 60 percent to receive additional numbering resources in a given rate center. FCC 00-249 at ¶¶22; FCC 01-362 ¶¶50-52. The utilization threshold increases by five percent per year until it reaches a maximum 75 percent. Based on the FCC’s orders, carriers must meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. Id. ¶¶29

7. On July 21, 2004, US LEC submitted a Central Office Code (NXX) Assignment Request for the assignment of NXX resources necessary to meet the telephone number needs of Williamson Medical Center. This application is attached hereto as Exhibit A.

8. The assignment request made on behalf of Williamson Medical Center was for 1,000 sequential telephone numbers in the 615 area code. US LEC does not presently have a block of 1,000 sequential numbers as requested by the customer. Williamson Medical Center has an immediate need for 1,000 consecutive numbers, preferably the 615-435-4 group, to support growth of three new Health Services departments and two new patient floors to their telecommunications system.

9. Based on the Franklin Rate Center data that was used to calculate US LEC's MTE, US LEC's numbering resources would exhaust in approximately eleven months.

10. While US LEC's MTE is eleven months, US LEC is currently operating at a 70.300 % utilization rate. Despite this current level of utilization, US LEC is unable to provide the requested 1,000 sequential numbers through the switch that serves Williamson Medical Center within the Franklin Rate Center.

11. On July 21, 2004, US LEC's request was denied on the grounds that the US LEC had not met the utilization threshold required in the Central Office Code (NXX) Guidelines. This decision is attached hereto as Exhibit B.

12. As a result of the denial of US LEC's request for additional numbering resources, US LEC is unable to provide the telecommunications services requested by its customer in Tennessee.

13. Under previous procedures used by the North American Numbering Plan Administration ("NANPA"), waivers or exceptions were typically granted in any case where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under

existing procedures, however, NeuStar looks at the MTE criteria and utilization threshold for the rate center and allows no exceptions. By refusing to consider the circumstances of each case, NeuStar's procedure may result in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of telephone numbers or postpone dates of exhaust.

14. US LEC's inability to provide this large business customer with the requested numbers within the same NXX prevents US LEC from providing the quality of service this customer desires and expects. (Correspondence from Williamson Medical Center is attached as Exhibit "C").

15. Both the FCC Order and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. *See* FCC 01-362, Appendix A, Final Rules, § 15.15(g)(4).

16. This Authority has previously received similar requests from BellSouth Telecommunications, Inc. in which BellSouth asked the Authority to overrule a decision of NANPA and NeuStar. *See* Docket 03-00482 and Docket 03-00591. In both cases, the Authority granted BellSouth's request. State commissions in North Carolina, Florida, and Louisiana have also granted such requests from BellSouth and from US LEC.

17. In reviewing previous petitions of this type, the TRA staff has requested that Petitioner provide additional information concerning the Petitioner's number utilization for the specific central office involved in the request. This information for the Franklin Central Office is attached hereto as Exhibit D.

18. US LEC seeks the Authority's review of NeuStar's decision to withhold numbering resources from it on the grounds that the CO Code Administration decision (1) violates the rules and orders of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with US LEC's ability to serve its customers within Tennessee. As the FCC has stated, "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources " FCC 00-429 at ¶ 61 By refusing to grant numbering resources sufficient to meet the Medical Center's needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, US LEC

Relief Sought

For these reasons, US LEC requests that the Authority review the decision of NeuStar to denying US LEC's request for additional numbering resources and direct NeuStar to provide numbers to meet the specific requirements of Williamson Medical Center in Franklin, Tennessee.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 

Henry Walker (No 000272)
414 Union Street, Suite 1600
P.O. Box 198062
Nashville, Tennessee 37219
(615) 252-2363

Screen One - PAS

PERIOD-Bygone, N. 1.

EXHIBIT

A

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Pooling Administration System

bmckoy@uslec.com (SP)

Sign Out

Part 1A

Type of Application : New

1.1 Contact Information :

Note: If any of the contact info is incorrect, edit your user profile.

Block Applicant :

Company Name **US LEC OF TENNESSEE, INC**

Headquarters Address: none

City: none

State: **NC**Zip: **00001**Contact Name **Ms Bea McKoy**

Contact Address none

City none

State **NC**Zip **00001**Telephone **(704) 319-1351**Fax **(704) 602-1351**E-mail **bmckoy@uslec.com**

Pooling Administrator :

Contact Name **Ms Dora Wirth**Contact Address **1800 Sutter St. Ste. 780**City **Concord**State **CA**Zip **94520**Telephone **9253638706**Fax **9253637684**E-mail **dora.wirth@neustar.com**

1.2 General Information

LRN Needed **No**NPA **615**LATA * **470**OCN **8356-US LEC OF TN**Parent Company OCN * **8354**Number of Thousands-Blocks
Requested **1**Switch Identification (Switching
Identity/POI) * **BRWDTNDDDS0**City or Wire Center
NameRate Center **FRANKLIN**

Rate Center Sub Zone

1.3 Dates

Date of Application **Wednesday, July 21, 2004**

Screen One - PAS

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Requested Block Effective Date 21 Aug 2004

Request Expedited Treatment ☐ Yes ☒ No**1.4 Type of Service Provider Requesting the Thousands-Block**

a) Type of Service Provider * CAP OR CLEC

b) Primary type of service Blocks to be used for * Wireline

c) Thousands-Block(s) (NPA-NXX-X) assignment preference
Click here to see the available blocks in the pool.



615-435-7

Delete

d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any



Delete

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N/A

1.5 Type of RequestInitial block for rate center ☐ YesGrowth block for rate center ☒ Yes

Change block N/A

Disconnect block N/A

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023

MTE

Page 1 of 2

Pooling Administration System

bmckoy@uslec.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN LevelDate **Wednesday, July 21, 2004**OCN **8356**Company Name **US LEC OF TENNESSEE, INC**Rate Center **FRANKLIN**List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)

615-224-0, 615-224-1, 615-224-2, 615-435-5, 615-435-6

Name of Block Applicant **Ms Bea McKoy**Title **user**Telephone Number **(704) 319-1351**Fax Number **(704) 602-1351**E-Mail **bmckoy@uslec.com**A. Available Numbers * **1485**B. Assigned Numbers * **3515**C. Total Numbering Resources * **5000**D. Quantity of numbers activated in the past 90
days and excluded from the Utilization
calculation ***0**

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	146	Month 2	20
Month 3	6	Month 4	40
Month 5	164	Month 6	120

MTE

Page 2 of 2

F Forecast - Next 12 months³

Month 1	1000	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **166.667**H. Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested

A. Available Numbers

H. Months to Exhaust

1

1485

8.910

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100**70.300**

Explanation

1 block needed to meet customer request

1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Show Calculations

Continue

Cancel

MTE

EXHIBIT

B

Page 1 of 1

Pooling Administration System

 bmckoy@uslec.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **70.300 percent**, while your State requires a utilization of **75.000 percent**.

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option

 



April 12, 2004

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37253-0505

To Whom It May Concern:

Williamson Medical Center requests 1,000 contiguous DID numbers. Rapid growth has compelled us to upgrade our phone switch. Williamson Medical Center is adding 3 new Health Services or departments and 2 new patient floors. The 1,000 numbers will enable us to provide a dial plan based upon four-digit dialing and accommodate the needs of our future growth.

Thank you

Sincerely,

A handwritten signature in cursive script that reads 'David M. Ausbrooks'.

David M. Ausbrooks
Vice President of Operations

DMA:ba



US LEC of Tennessee Inc.

Franklin, TN

NXX Block	Available Numbers	Assigned Numbers	Total Resources	Number Utilization
615-224-0	766	234	1,000	23%
615-224-1	43	957	1,000	96%
615-224-2	720	280	1,000	28%
615-435-5	0	1,000	1,000	100%
615-435-6	0	1,000	1,000	100%
	1,529	3,471	5,000	69 420%